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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In the Patent Application of: Eric J. Hansen
and Jesse J. Williams

Group Art Unit: 1751

Serial No.: 09/589,973

Examiner: Derrick G. Hamlin

Filed: June 8, 2000

For: EXTRACTION CLEANING WITH
OXIDIZING AGENT

Docket No.: 71189-1300

APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENT

Commissioner of Patents
Alexandria, VA 22313-1450

Sir:

This is an Appeal Brief under 37 C.F.R. §1.192 in support of Applicant's appeal from the final rejection of the Examiner dated January 29, 2003. Each of the topics required by Rule 192 is presented herewith and is labeled appropriately.

I. REAL PARTY IN INTEREST

BISSELL Homecare, Inc., a corporation in the State of Michigan, having its principal place of business in the city of Grand Rapids, Michigan, is the real party in interest of the present application. An assignment of all rights in the present application to BISSELL Homecare, Inc. was executed by the inventors and recorded in the U.S. Patent and Trademark Office at Reel/Frame: 010873/0542.

II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences related to the present application of which the Appellants are aware.

III. STATUS OF CLAIMS

Claims 1-28, which are presented in the Appendix, are pending in the application and have been finally rejected by the Examiner. No claims have been allowed.

IV. STATUS OF AMENDMENTS

An amendment to claim 2 has been filed subsequent to the final rejection. This amendment has been entered.

V. SUMMARY OF THE INVENTION

The invention relates to a method for cleaning an upholstery or carpet surface in which a fluid carpet or upholstery cleaning solution is dispensed onto the upholstery or carpet surface to be cleaned and the cleaning solution is recovered from the surface with suction. Cleaning processes according to the invention are typically carried out by extraction cleaning machines that are in common use in domestic as well as commercial environments. The present application describes an extraction cleaning machine in which the invention can be used. According to the invention, an oxidizing agent is admixed with the cleaning solution prior to the step of dispensing the cleaning solution onto the upholstery or carpet surface.

In an extraction cleaning machine, a cleaning fluid is dispensed onto an upholstery or carpet surface which may or may not be agitated to loosen the dirt. Subsequent to the deposit of the cleaning solution onto the floor, the cleaning solution is recovered from the surface of the floor with suction and is separated from air and deposited in a recovery tank in the body of the cleaning machine.

According to the invention, the oxidizing agent can be a preformed peracid compound that includes hydrogen peroxide, percarboxylic acid and salts, percarbonic acids and salts, perimidic acids and salts, peroxymonosulfuric acids and salts, and mixtures thereof, a persalt or peroxide compound. Further, the oxidizing agent can be mixed with an activator that can include a number of different compounds including tetraacetylenediamine (TAED).

In a preferred embodiment of the invention, the admixture of the oxidizing agent and the cleaning solution is at a temperature in the range of 120°-190° degrees Fahrenheit during the dispensing step. In one embodiment, the admixture is mixed with a heated air to heat the admixture. Alternatively, the admixture can be heated with an inline heater.

The cleaning solution can include an anionic and/or non ionic surfactant, an anti-resoiling agent and an organic solvent.

Enhanced cleaning is provided with the use of the oxidizing agent.

VI. ISSUES

1. Whether the invention of claims 1-28 is patentable under 35 U.S.C. §103(a) over the U.S. Patent No. 5,576,282 to Miracle et al. (Miracle et al. '282) in view of either of the U.S. Patent No. 5,555,595 to Ligman (Ligman '595) or the U.S. Patent No. 5,386,612 to Sham (Sham '612).
2. Whether the Miracle et al. '282 patent is properly combinable with the Ligman '595 or the Sham '612 references.
3. Whether Appellants have shown commercial success for the claimed invention.
4. Whether the alleged combination of references meets the claimed invention.

VII. THE REJECTIONS

All of the claims in the application have been finally rejected under 35 U.S.C. 103(a) as being unpatentable over the Miracle et al. '282 patent in view of either Ligman '595 or Sham '612. The Examiner explained his rejection of the claims as follows:

2. Miracle claims a color safe bleaching containing a peroxygen source comprises a preformed peracid compound selected from the group consisting of percarboxylic acids and salts, percarbonic acids and salts, perimidic acids and salts, peroxymonosulfuric acids and salts, and mixtures thereof or perborate compounds, percarbonate compounds, perphosphate compounds and mixtures thereof and a bleach activator, wherein said bleach activator is selected from the group consisting of tetraacetylenediamine, sodium decanoyloxybenzene sulfonate, sodium nonanoyloxybenzene sulfonate, sodium octanoyloxybenzene sulfonate, (6-octanamidocaproyl)oxybenzenesulfonate, (6-nonanamidocaproyl)oxybenzenesulfonate, (6-decanamidocaproyl)oxybenzenesulfonate, and mixtures thereof (col. 37, lines 34-57). The reference teaches the preferred embodiment may contain perfumes and is good for use in laundry detergents especially, liquid fine-fabric detergents, machine dishwashing agents and car or carpet shampoos (col. 11, lines 19-46). The use of acrylic/maleic-based copolymers and glycols is also taught (col. 21 lines, 31-52 and col. 24, lines 1-21).

The primary reference is deficient, as it fails to teach a carpet cleaning machine employing the cleaning solution disclosed. The primary reference does indicate that the composition is applicable to many types of cleaning operations, such as shampooing carpets. Therefore, one would be motivated to employ one of the following carpet cleaning machines to clean a carpet with the carpet shampoo of the reference.

Ligman discloses a cleaner unit for carpet and upholstery and the like includes an adjustable power control so that electrical power usage can be set in accordance with available circuit capacity. The cleaner unit includes multiple electrical loads such as a vacuum motor, a pump for delivering a cleaning fluid to a cleaning head or tool, and one or more resistance heaters for heating the cleaning fluid, wherein these loads are adapted for plug-in connection by one or more power cords to a standard domestic power circuit. An ammeter permits the current load to be monitored. In the preferred form, the adjustable power control is associated with one of the resistance heaters and permits the heater current

load to be variably set according to the available current capacity of the power circuit. (abstract)

Although the reference fails to teach that the cleaning solution is heated to a specific temperature, it does indicate that the temperature may be adjusted to a desired temperature. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to practice the instantly claimed method using the carpet cleaning solution of Miracle with the carpet cleaner of Ligman.

Sham discloses a vacuum cleaning apparatus is provided which includes a housing having a handle portion and a nozzle portion. A reservoir is defined in the housing for retaining cleaning solution or water, and a heating unit is associated with the reservoir for heating the liquid so as to generate steam for delivery to a flat surface such as a window to be cleaned. A squeegee assembly is mounted to the housing adjacent the nozzle portion for wiping the window after liquid has been deposited thereon. A motor driven fan assembly is disposed within the housing in communication with the nozzle portion for drawing excess liquid and debris into the nozzle portion. The nozzle portion defines structure for separating and containing the liquid, which is drawn into the apparatus. (abstract)

Although the reference fails to teach that the cleaning solution is heated to a specific temperature, it does indicate that the solution is steamed and depending on the solvent used the temperature would fall within the claimed ranges. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to practice the instantly claimed method using the carpet cleaning solution of Miracle with the carpet cleaner of Sham.

VIII. GROUPING OF CLAIMS

The claims can be grouped as follows:

Group 1 - claims 1-6, 12, 22, and 28;

Group 2 - claims 7, 9, 13, 15, and 19;

Group 3 - claims 8, 14, and 18;

Group 4 - claims 10, 16, and 20;

Group 5 - claims 11, 17, and 21; and

Group 6 - claims 23-27.

IX. ARGUMENTS

1. Issue 1 - The inventions of claims 1 – 28 are patentable over the alleged combination of Miracle et al. '282 in view of either Ligman '595 or Sham '612.

A. Issue 2 - The Alleged Combination of Miracle et al. '282 with Ligman '595 or Sham '612 is inappropriate because there is no suggestion for the alleged combination.

The Miracle et al. '282 patent discloses a bleach composition comprising a peroxygen source and a bleach booster selected from the group consisting of zwitterionic imines and anionic imine polyions having a net negative charge to increase bleaching effectiveness in lower temperature solutions. The bleach boosters are said to be ideally
5 suited for inclusion into bleaching compositions including those with deterative surfactants and enzymes. The peroxygen source can include hydrogen peroxide, inorganic peroxohydrates, organic peroxohydrates and organic peroxyacids including peroxycarboxylic acids. Peroxyhydrates include perborates, percarbonates, perphosphates, and persilicates. Bleach activators such as TAED can also be used with
10 the peroxide source. The Miracle et al. '282 compositions are said to be useful in laundry additive compositions. In addition, Miracle et al. discloses a method of laundering a fabric employing the bleach boosters of the invention. All examples relate to laundry detergent compositions. All claims in the Miracle et al. '282 reference relate to bleach compositions, a method of laundering fabric and a laundry additive product.

15 Miracle et al. incidentally discloses a virtual laundry list of possible uses for their *bleach compositions*, including "car and carpet shampoos." This disclosure is without any further support by way of example or otherwise.

The Ligman '595 patent discloses a carpet cleaner which includes an electric heater for heating a cleaning solution in a solution tank and spraying the cleaning solution
20 onto a floor. The carpet cleaner operates in a manner of a conventional extraction carpet cleaner well known in the carpet cleaning art.

The Sham '612 patent discloses a portable steam vacuum cleaner wherein water or cleaning solution is heated in an electric heater to produce steam. An extraction system removes soiled water from a surface to be cleaned. The Sham device is preferably used
25 for generating steam for delivery to a flat surface, such as a window, floor or table to be cleaned. Water or a cleaning solution such as, for example, soapy water can be used in the reservoir of the Sham cleaner.

It is quite clear that the Miracle et al. '282 patent does not disclose a method for cleaning an upholstery or carpet surface in which a fluid carpet or upholstery cleaning
30 solution is dispensed onto the upholstery or carpet surface to be cleaned and the cleaning solution is recovered from the surface with suction. For this reason, claim 1 and dependent claims 2-28, patentably define over the Miracle et al. '282 patent.

Contrary to the Examiner's representation, there is no hint or suggestion in Miracle et al. '282 of the use of a carpet shampoo in a method according to the invention.
35 The Miracle et al. '282 patent is principally related to laundry detergents. Whereas the Miracle et al. '282 patent incidentally discloses that the disclosed bleach compositions can be used in carpet shampoos, it does not disclose that such shampoos can be used in the conventional extractors as represented by the examiner. Nor does the Miracle et al. '282 patent disclose that the bleach boosters can be combined with a carpet cleaning
40 composition that are then applied to a floor surface and then recovered from the floor surface by suction. Appellants believe that the bleach compositions of Miracle would not in fact be useful in carpet shampoos despite the incidental disclosure in the Miracle et al. '282 reference because they would tend to lighten the carpet or otherwise strip color from a carpet. This result would be highly undesirable for any carpet shampoo. Appellants'
45 method claims do not recite a bleach booster.

Further, it should be pointed out that the disclosure of the use of the bleaching compositions in a carpet shampoo in the Miracle et al. '282 reference is an incidental disclosure with a number of other potential uses. There is no enabling disclosure in the Miracle et al. '282 reference for the use of the Miracle et al. '282 bleaching composition in a carpet shampoo. There is no other disclosure of a carpet cleaning solution that

incorporates the Miracle et al. '282 bleaching composition in the Miracle et al. '282 reference. No examples in the Miracle et al. '282 reference disclose a carpet cleaning composition or process. No claims in the Miracle et al. '282 reference are directed to a carpet cleaning composition or process. The Miracle et al. '282 reference discloses no test conducted on cleaning carpets with the Miracle et al. '282 bleaching composition in a carpet cleaning solution. The nature of the disclosure must be taken into consideration when considering the disclosure in the Miracle et al. '282 reference under 35 U.S.C. § 103 (a).

Other than the incidental disclosure in the Miracle et al. '282 reference, there is no suggestion of the alleged combination of Miracle et al. '282 with either Ligman '595 or Sham '612. The incidental disclosure in the Miracle et al. '282 reference is not a credible suggestion of the use of the Miracle et al. '282 bleaching compositions in the extractor of Ligman '595 or Sham '612. Certainly, there is no disclosure in either of the Ligman '595 or Sham '612 reference for the use of any bleaching composition in the cleaning solutions used in these extractors.

Thus, there is no credible support for the alleged combination of references in any of the references. The combinability of prior art references is discussed in detail by the United States Court of Appeals for the Federal Circuit in Ecolchem, Inc. v. Southern California Edison Co., Case 99-1043 decided September 7, 2000, 227 F.3d 1361; 56 USPQ2d 1065, (<http://www.ll.georgetown.edu/Fed-Ct/Circuit/fed/opinions/99-1043.html>) at 1371-1372 in which the Court stated:

Our case law makes clear that the best defenses against hindsight-based obviousness analysis is *the rigorous application of the requirement for a showing of a teaching or motivation to combine the prior art references*. See Demibiczak, 174 F.3d at 999, 50 USPQ2d at 1617. "Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability--the essences of hindsight." Id.

"When a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references." In re Roufet, 149 F.3d 1350, 1355, 47 USPQ2d

1453, 1456 (Fed. Cir. 1998) (citing In re Geiger, 815 F.2d 686, 688 2 USPQ2d 1276, 1278 (Fed. Cir. 1987)). The same principle applies to invalidation. "Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." ACS Hosp. Sys., Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Although the suggestion to combine references may flow from the nature of the problem, see Pro-Mold & Tool Co. v. Great lakes Plastics, Inc., 75 F.3d 1568, 1573, 37 USPQ2d 1626, 1630 (Fed. Cir. 1996), "[d]efining the problem in terms of its solution reveals improper hindsight in the selection of the prior art relevant to obviousness," Monarch Kitting Mach. Corp. v. Sulzer Morat GmbH, 139 F.3d 877, 880, 45 USPQ2d 1977, 1981 (Fed. Cir. 1998). Therefore, "[w]hen determining the patentability of a claimed invention which combines two known elements, 'the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination.'" In re Beattie, 974 F.2d 1309, 1311-12, 24 USPQ2d 1040 1042 (Fed. Cir. 1992) (quoting Lindemann, 730 F.2d at 1462, 221 USPQ at 488). (Emphasis added.)

The Examiner has erred in attempting to use Appellants' disclosure as a blueprint for hindsight-based arguments and has not comported with the standards of the United States Court of Appeals for the Federal Circuit.

See also In re Sang-Su Lee, 00-1158, decided January 18, 2002, 277 F.3d 1338; 61 USPQ2d (BNA) 1430 (<http://www.ll.georgetown.edu/Fed-Ct/Circuit/fed/opinions/00-1158.html>) at pages 1342-1344.

Like the Examiner in In re Sang-Su Lee, the Examiner has not adequately addressed the issue of motivation to combine the references. Simply pointing out Appellants' disclosed solution to a problem or some speculative beneficial result of the combination does not meet the requirement of motivation to combine the references.

The Examiner is in error in holding that it would be obvious to use the Miracle et al. '282 bleaching composition in a carpet cleaning solution that is used in the extractors of either Ligman '595 or Sham '612 references.

The Miracle et al. '282 bleach boosters include heavy surfactants that would leave a substantial amount of cleaning solution in the carpet and would result in a significant

resoil problem. The Miracle et al. '282 composition is designed for use in washing machine where there is a significant amount of rinsing to remove heavy detergents. An extractor of the nature of Ligman '595 or Sham '612 typically lays down the cleaning solution in one stroke (for example a forward movement of the extractor) and removes the solution in a second stroke (backstroke). There is no significant rinsing and scrubbing of the carpet to remove the detergent. Thus the detergent composition must be formulated in such a way that it cleans the carpet, dissolves the dirt and organic stains and can be removed with one or two passes with the extractor. There is no rinsing cycle in the extractors and thus substantially all of the detergent must be removed. Failure to remove the detergent results in an immediate resoiling of the carpet, especially where there are stains and heavy soil.

This phenomenon is explained in the Declaration of the Jesse Williams under 37 C.F.R. 1.132. Mr. Williams, a co-inventor of the claims in this application, explains the chemistry of extraction cleaning machines and explains why the Miracle et al. '282 bleaching composition would be inappropriate in either of the Ligman '595 or Sham '612 extractors. Mr. Williams has been employed for many years as Manager of Chemical Development of BISSELL Homecare, Inc., the Assignee of the above-identified patent application and its predecessor in interest, BISSELL, Inc., and is qualified as a person having ordinary skill in the art to which the invention pertains. As Mr. Williams states in his Declaration, all of the BISSELL carpet cleaning solutions have been developed in his department under his supervision at least since April 1993.

Mr. Williams' opinion as set forth in paragraph 9 of his Declaration states:

Based on my experience in developing carpet cleaning solutions, it would not be appropriate to use the Miracle et al. '282 bleach boosters in a carpet cleaning solution with a carpet extractor as disclosed in either of the Ligman '595 or Sham '612 patents. The Miracle et al. '282 bleach compositions appear to be heavy detergents that are useful in washing machine cycles where there are a number of rinse cycles but do not appear to be satisfactory for carpet cleaning extractors that have virtually no rinse cycles. The detergent is sprayed onto the carpet, is agitated with a brush and is then extracted by suction. There is no rinse cycle as in a washing machine. The detergent must be friable so that the residue can be

suctioned from the carpet. The Miracle et al. '282 bleach composition would appear to leave an oily residue on the carpet that would result in an immediate resoiling of the carpet. This result would be highly unsatisfactory to our customers.

Mr. Williams' Declaration has not been challenged and there is no contrary evidence of obviousness set forth by the Examiner. There is only the Examiner's unsupported allegation of obviousness of the combination.

In view of the foregoing, it is submitted that the alleged combination of Miracle et al. '282 with either of the Ligman '595 or Sham '612 references is inappropriate. The rejection based on this alleged combination should be reversed. The Examiner's rejection of all of the claims require this alleged combination. Without the alleged combination, the rejection of all of the claims cannot stand.

B. Issue 3 - Even if the Examiner has made a prima facie showing of obviousness, this showing has been overcome by evidence of commercial success.

The claimed invention in this application has achieved commercial success as shown by the Declaration of Kelli Cain, an employee of BISSELL Homecare, Inc., assignee of the present application. In her Declaration, Ms. Cain attests to the commercial success of the invention. The commercial success has been achieved not only through sales by Applicants' Assignee but also by sales of Oxiclean whose product has been used in carpet cleaning machines according to the claimed invention.

As the Board knows, evidence of commercial success of Appellants claimed invention is a secondary factor set forth in the Graham v. John Deere test for obviousness under 35 U.S.C. 103(a). Graham v. John Deere, 383 U.S. 1, 17-18, 148 U.S.P.Q. (BNA) 459, 467. Where Graham factors are present in a case, the Patent Office must consider the Graham factors before reaching the conclusion of obviousness. Locktight Corporation v. Ultra Seal Limited, 781 F2nd 861, 228 U.S.P.Q. (BNA) 90 (Fed Cir. 1985).

The commercial success of the invention may be achieved by the Appellants and/or it may be achieved by others subsequent to the invention by the Appellants. Commercial success of the invention means that the invention as claimed has achieved commercial success, regardless of who achieves the success. See, for example, Brown & Williamson Tobacco Corp. v. Phillip Morris, Inc., 229 F. 3d 1120 at 1124, 1130 (Fed. Cir. 2000) (the success of an alleging infringing product can demonstrate the commercial success of the patented invention). Appellants have demonstrated that the commercial success is related to the invention as claimed. Mr. Williams in his Declaration attests to the composition of the oxidizing agent used by Appellants' assignee and Ms. Cain in her Declaration sets forth the public information relating to the composition of the Oxiclean. These compositions all fall within the scope of at least claim 1 of the Appellants' claimed invention.

C. Issue 4 - The alleged combination of Miracle '282 with either Ligman '595 or Sham '612 does not meet the claimed invention.

At best, the alleged combination of references would consist of adding the Miracle et al. '282 bleach booster to the cleaning solution tank in Ligman '595 or Sham '612. This combination does not meet Appellants' claim 1 (Group 1 claims) from which all of the claims depend in that the alleged combination does not include the concept of admixing the oxidizing agent with the cleaning solution prior to the step of dispensing the cleaning solution onto the upholstery or carpet surface.

With respect to Appellants' Group 2 claims, claims 7, 9, 13, 15, and 19 call for the admixture to be at a temperature in the range of 120-190°F during the dispensing step. This concept is not disclosed in the alleged combination of Miracle et al. '282 with either Ligman '595 or Sham '612.

With respect to Appellants' Group 3 claims, claims 8, 14, and 18 call for the admixture to be mixed with heated air to heat the admixture and further comprise the step of heating the air before the step of mixing the admixture with heated air. This concept is not disclosed in the Examiner's alleged combination of Miracle et al. '282 with either Ligman '595 or Sham '612.

With respect to Appellants' Group 4 claims, claims 10, 16, and 20 call for the admixture to be heated to a temperature in the range of 120°F-150°F within 20 seconds. This concept is also not disclosed in the Examiner's alleged combination of Miracle et al. '282 with either Ligman '595 or Sham '612.

With respect to Applicants' Group 5 claims, claims 11, 21, and 17 call for the step of heating the cleaning solution before the admixing step to heat the admixture. This concept is not disclosed in the Examiner's alleged combination of Miracle et al. '282 with either Ligman '595 or Sham '612.

With respect to Applicants' Group 6 claims, claims 23-27 call for the cleaning solution to include an anionic and/or non ionic surfactant, an antisoiling agent, and an organic solvent. This concept is not disclosed in the Examiner's alleged combination of Miracle et al. '282 with either Ligman '595 or Sham '612.

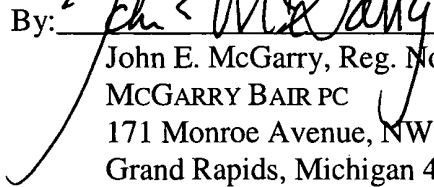
X. CONCLUSION

In view of the foregoing, it is submitted that the final rejection of claims 1-28 is improper and should not be sustained. Therefore, a reversal of the final rejection of claims 1-28 is respectfully requested.

Respectfully submitted,

Eric J. Hansen and Jesse J. Williams

Dated: 8-21-03

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APPENDIX

1. (Original) A method for cleaning an upholstery or carpet surface in which a fluid carpet or upholstery cleaning solution is dispensed onto the upholstery or carpet surface to be cleaned and the cleaning solution is recovered from the surface with suction, comprising the steps of:
 - 5 admixing an oxidizing agent with the cleaning solution prior to the step of dispensing the cleaning solution onto the upholstery or carpet surface.
2. (Amended) A method for cleaning an upholstery or carpet surface according to claim 1 wherein the oxidizing agent comprises a preformed peracid compound selected from the group consisting of hydrogen peroxide, percarboxylic acid and salts, percarbonic acids and salts, perimidic acids and salts, peroxymonosulfuric acids and salts, and mixtures thereof, a persalt or a peroxide compound.
3. (Original) A method for cleaning an upholstery or carpet surface according to claim 2 wherein the oxidizing agent further includes an activator.
4. (Original) A method for cleaning an upholstery or carpet surface according to claim 3 wherein the activator is selected from the group consisting of tetraacetylenediamine, sodium octanoyloxybenzene sulfonate, sodium nonanoyloxybenzene sulfonate, sodium decanoyloxybenzene sulfonate, (6-octanamido-caproyl)oxybenzenesulfonate, (6-nonanamido-caproyl)oxybenzenesulfonate, 6-decanamido-caproyl)oxybenzenesulfonate, and mixtures thereof.
 - 5
5. (Original) A method for cleaning an upholstery or carpet surface according to claim 4 wherein the activator is tetraacetylenediamine.
6. (Original) A method for cleaning an upholstery or carpet surface according to claim 4 wherein the oxidizing agent is selected from the group consisting of perborate compounds, percarbonate compounds, perphosphate compounds and mixtures thereof.
7. (Original) A method for cleaning an upholstery or carpet surface according to claim 6 wherein the admixture is at a temperature in the range of 120 to 190 degrees Fahrenheit during the dispensing step.

8. (Original) A method for cleaning an upholstery or carpet surface according to claim 7 wherein the admixture is mixed with heated air to heat the admixture and further comprising the step of heating the air before the step of mixing with admixture with heated air.

9. (Original) A method for cleaning an upholstery or carpet surface according to claim 7 and further comprising the step of heating the admixture inline in a heater between the admixing step and the dispensing step.

10. (Original) A method for cleaning an upholstery or carpet surface according to claim 9 wherein the admixture is heated to a temperature in the range of 120 to 150 degrees Fahrenheit within 20 seconds.

11. (Original) A method for cleaning an upholstery or carpet surface according to claim 7 and further comprising the step of heating the cleaning solution before the admixing step to heat the admixture.

12. (Original) A method for cleaning an upholstery or carpet surface according to claim 1 wherein the oxidizing agent is selected from the group consisting of perborate compounds, percarbonate compounds, perphosphate compounds and mixtures thereof.

13. (Original) A method for cleaning an upholstery or carpet surface according to claim 1 wherein the admixture is at a temperature in the range of 120 to 190 degrees Fahrenheit during the dispensing step.

14. (Original) A method for cleaning an upholstery or carpet surface according to claim 13 wherein the admixture is mixed with heated air to heat the admixture and further comprising the step of heating the air before the step of mixing with admixture with heated air.

15. (Original) A method for cleaning an upholstery or carpet surface according to claim 13 and further comprising the step of heating the admixture inline in a heater between the admixing step and the dispensing step.

16. (Original) A method for cleaning an upholstery or carpet surface according to claim 15 wherein the admixture is heated to a temperature in the range of 120 to 150 degrees Fahrenheit within 20 seconds.

17. (Original) A method for cleaning an upholstery or carpet surface according to claim 13 and further comprising the step of heating the cleaning solution before the admixing

step to heat the admixture.

18. (Original) A method for cleaning an upholstery or carpet surface according to claim 1 wherein the admixture is mixed with heated air to heat the admixture and further comprising the step of heating the air before the step of mixing with admixture with heated air.

19. (Original) A method for cleaning an upholstery or carpet surface according to claim 1 and further comprising the step of heating the admixture inline in a heater between the admixing step and the dispensing step.

20. (Original) A method for cleaning an upholstery or carpet surface according to claim 19 wherein the admixture is heated to a temperature in the range of 120 to 190 degrees Fahrenheit within 20 seconds.

21. (Original) A method for cleaning an upholstery or carpet surface according to claim 1 and further comprising the step of heating the cleaning solution before the admixing step to heat the admixture.

22. (Original) A method for cleaning an upholstery or carpet surface according to claim 1 wherein the cleaning solution is dispensed through a nozzle onto the surface to be cleaned.

23. (Original) A method for cleaning an upholstery or carpet surface according to claim 1 wherein the cleaning solution includes an anionic and/or nonionic surfactant, an anti-soiling agent and an organic solvent.

24. (Original) A method for cleaning an upholstery or carpet surface according to claim 23 wherein the anti-soiling agent is selected from the group consisting of polymerized styrene/maleic anhydride, acrylate copolymer, fluoro-chemical compounds and mixtures thereof.

25. (Original) A method for cleaning an upholstery or carpet surface according to claim 24 wherein the organic solvent is glycol ether.

26. (Original) A method for cleaning an upholstery or carpet surface according to claim 23 wherein the organic solvent is glycol ether.

27. (Original) A method for cleaning an upholstery or carpet surface according to claim 23 wherein the cleaning solution includes a fragrance.

28. (Original) A method for cleaning an upholstery or carpet surface according to claim 1 wherein the admixture is at a temperature well above room temperature during the

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Processing Step



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1.	Issue 1 The inventions of claims 1 – 28 are over the alleged combination of Miracle et al. '282 in view of either Ligman '595 or Sham '612.	
A.	Issue 2 - The alleged combination of Miracle et al. '282 with Ligman '595 or Sham '612 is inappropriate because there is no suggestion for the alleged combination.	
B.	Issue 3 - Even if the Examiner has made a prima facie showing of obviousness, this showing has been overcome by evidence of commercial success.	
C.	Issue 4 - The alleged combination of Miracle '282 with either Ligman '595 or Sham '612 does not meet the claimed invention.	
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